

REMARKS

This amendment is responsive to the non-Final Office Action of September 8, 2008. Reconsideration and allowance of claims 1-14 are requested.

The Office Action

Claims 1-8 and 12 stand rejected under 35 U.S.C. § 102 as being anticipated by Fuglsang-Madsen (US RE 27, 022).

Claims 5, 6, and 8 stand rejected under 35 U.S.C. § 112, second paragraph.

Claims 9 and 11 stand rejected under 35 U.S.C. § 103 over Fuglsang-Madsen, taken alone.

Claims 10, 13, and 14 were indicated as containing allowable subject matter.

The Present Amendment

The present amendment revises claims 1, 2, and 5-8 to address the Examiner objections and rejections.

Claim 10 has been placed in independent form.

The Claims Are Patentable Over Fuglsang-Madsen

Claim 1 calls for a height of the slide and a height of the means of guidance to be less than or equal to an external height of the base. In **Fuglsang-Madsen**, a height H1 of the slide **10**, **59** and a height H2 of the means of guidance **36** are both greater than an external height H3 of the base **18**. Elements **10** and **59**, being connected together, are collectively considered the slide. See Attachment A. The portion of element **12** that is inside sleeve **16** does not contribute to the exterior height H3 of the base.

Accordingly, it is submitted that **claim 1 and claims 2-8 and 12 dependent therefrom** are not anticipated by Fuglsang-Madsen, nor are dependent **claims 9 and 11** rendered unpatentable over Fuglsang-Madsen.

The Examiner's indication of allowable subject matter in **claim 10** is noted with appreciation. Accordingly, it is submitted that **claim 10**, which has been placed in independent form, is now in condition for allowance.

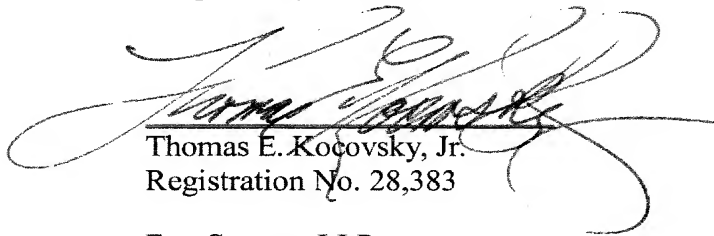
The Examiner's allowance of **claims 13 and 14** is noted with appreciation.

CONCLUSION

For the reasons set forth above, it is submitted that claims 1-14 are not now distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,



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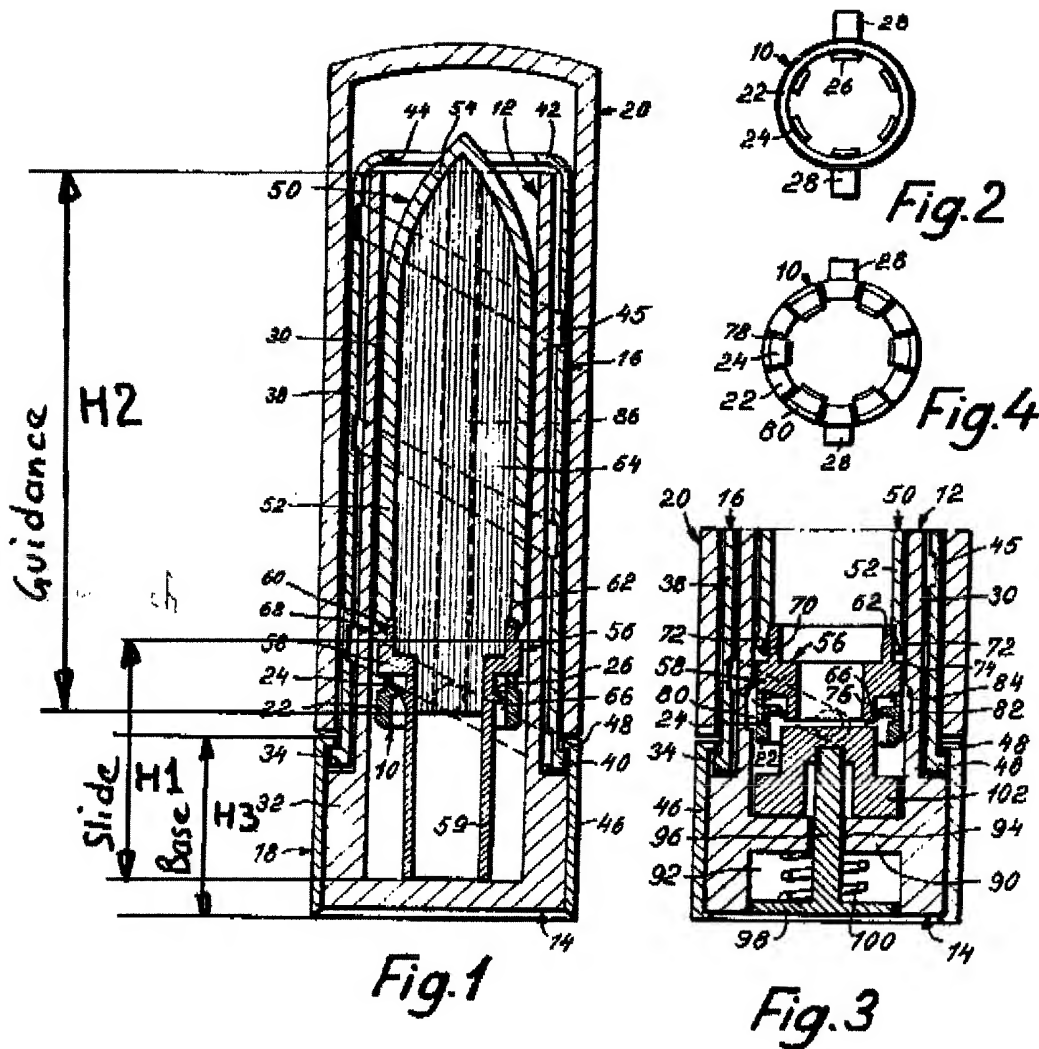
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ATTACHEMENT A

Jan. 5, 1971

E. FUGLSANG-MADSEN
CASING WITH APPERTAINING REFILL SHELL FOR LIPSTICKS
AND OTHER POMADE STICKS
Original Filed Aug. 30, 1966

Re. 27,022



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